

North Hampton Conservation Commission

Minutes – July 10, 2007

1) ROLL CALL

Present when the meeting was called to order at 7:07 p.m. was Chris Ganotis, Chairman, Brian Chevalier, Shirley Carter, Patty O'Connor, Alternate Lisa Wilson and Selectmen Representative Emily Creighton.

2) CONSIDERATION OF MINUTES

• June 12, 2007

After a motion, duly seconded, it was voted to approve the minutes as presented.

• June 27, 2007 public hearing

After a motion, duly seconded, it was voted with Emily abstaining to approve the minutes as presented.

• June 27, 2007 regular meeting

After a motion, duly seconded, it was voted with Emily abstaining to approve the minutes as presented.

3) TREASURER'S REPORT – June 2007

In the absence of the treasurer, Chris reported that the Commission's Fiscal 2007 amount has been exhausted with a payment to Chris Kane for the monitoring project. The Fuller Foundation grant check has been given to the Town Treasurer. He reminded the Commission that if all the funds are not spent in Fiscal 2008, the remaining amount can be encumbered for the following year.

4) OTHER BUSINESS

a) Colin Gagnon – Eagle Scout Project Update

Colin was unavailable for the meeting. Chris told the members he can't sign off on Colin's Eagle Scout project until Colin obtains approval from Jane Kent Rockwell to cross her property.

b) NH Forever Update

The Board of Selectmen has approved the purchase/donation of the Dalton properties. Purchase of the Robie properties has been extended to August 31st. Public access is being discussed. Chris told the members that, after closing on pending purchases, NH Forever will have acquired approximately 650 acres with an average cost of \$5,400 per acre. He pointed out that federal matching funds were utilized in most of the acquisitions and announced a pending \$2.5 million dollar grant application for future acquisitions.

d) ZBA Applications for Review:

2007:01 – Electa Savage, 3 Boulters Cove, Map 001 Lot 014

Dwelling to be 19 feet from wetlands and septic system to be 55 feet from wetlands

The application and documents provided were reviewed. Members noted that approval from Rockingham County Conservation District is only for the septic system design. Questions were raised regarding whether there was enough evidence to show that the wetlands would be protected and whether granting this variance would cause any potential harm to them. Members did not see supporting information in the application to indicate that wetlands would be protected.

NHCC 07/10/07

1

Note: These minutes were approved by a majority vote of the Conservation Commission on August 14, 2007.

An inquiry was made as to how the wetlands can be considered a hardship when they were pre-existing. The Commission felt that the proximity of the house to environmentally sensitive wetlands could be detrimental to the wetlands and the application does not demonstrate minimal impact. They reiterated that the purpose of setbacks from wetlands is to prevent fresh water encroachment on marine wildlife.

The concerns were summarized and, **after a motion, duly seconded**, it was voted that Chris notify the ZBA of the following Conservation Commission concerns: 1) the proximity of both the house and the septic system to the wetlands; 2) the potential for fresh water contamination into the wetlands; 3) the lack of evidence to support the claim that the proposal will not affect the wetlands; and 4) even though the lot is grandfathered, the proposal does not even meet the previous setback requirements.

2007:14 – Jarrod Patten, 1 Fern Road, Map 008, Lot 023

Construct a garage within 50 feet of wetlands setback

It was reported that the property has two previous variances from wetlands setback. Discussion followed regarding the natural drainage flow which moves eastward through a culvert under Route One then over conservation land behind the Home Depot shopping plaza. Shirley reported prior elevated chloroform levels from water samples taken at her brook and that the same water first flows through the conservation land before it reaches the brook. Concerns were raised that the garage could create excessive additional storm water runoff, which ultimately flows into an important wetland and wildlife habitat conservation area.

The wetlands map was reviewed and confirmed that the parcel is connected to the larger important area across Route One. **After a motion, duly seconded**, it was voted that Chris notify the ZBA with the following Conservation Commission comments: 1) surface water flows from this parcel beneath Route One then through conservation land which has in years past tested positive for chloroform; 2) the Conservation Commission does not feel the wetlands is unproductive given that it is part of a much larger and important wetlands and habitat area.

5) CORRESPONDENCE

Members decided to delay further communication to the ZBA until the ZBA addresses the Conservation Commission's letter at its July 24th meeting. Chris presented a worksheet of the variance requests from wetland setback since the 2003 ordinance change. There were 26 applications, of which four were withdrawn, 20 approved and 2 pending. Members questioned whether approving all these requests is in the public interest and in the spirit of the wetlands ordinance.

There being no further business, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Janet Perkins
Secretary